Lacouture/Ruesterholz MD Decl. ¶¶ 203,209; Lacouture/Ruesterholz DC Decl. ¶¶ 194,200; LacoutureRuesterholz WV Decl. ¶ 190. The Commission has repeatedly found that Verizon's provision of unbundled transport satisfies the checklist. See Virginia Order ¶ 181; Pennsylvania Order ¶ 109; New Hampshire/Delaware Order ¶ 135; New Jersey Order ¶ 164; Massachusetts Order ¶ 208; Rhode Island Order ¶ 97; Vermont Order ¶ 56; Maine Order ¶ *52.* The same conclusion therefore applies here.

Through September 2002, Verizon has provided shared transport on each of the network element platforms it has provided in Maryland, the District, and West Virginia. See Lacouture/Ruesterholz MD Decl. ¶ 211; Lacouture/Ruesterholz DC Decl. ¶ 202; LacoutureRuesterholz WV Decl. ¶ 197. Moreover, because access to shared transport is provided as part of network element platforms, it has been delivered at the same time as the accompanying loops and unbundled switching. **As** discussed above, Verizon provides network element platforms on time more than 99 percent of the time in each of the three jurisdictions, and the same is true of unbundled shared transport. See LacoutureRuesterholz MD Decl. ¶ 196; Lacouture/Ruesterholz DC Decl. ¶ 187; Lacouture/Ruesterholz WV Decl. ¶ 184.

Verizon also has provided dedicated local transport facilities to competing carriers in Maryland, the District, and West Virginia; however, the volume of such orders has been very small. From August through October, Verizon received a total of only **46** orders for unbundled dedicated transport in Maryland, only 13 orders in the District, and only two orders in West Virginia. See Lacouture/Ruesterholz MD Decl. ¶ 206; LacoutureRuesterholz DC Decl. ¶ 197; LacoutureRuesterholz WV Decl. ¶ 193. While these volumes are too small to provide meaningful results, during that same **period,** Verizon met all but two of its installation appointments for CLECs' unbundled dedicated transport orders in Maryland, and all such

appointments in the District and in West Virginia. See Lacouture/Ruesterholz MD Decl. ¶ 206; Lacouture/Ruesterholz DC Decl. ¶ 197; LacouturelRuesterholzWV Decl. ¶ 193.

4. Dark Fiber.

Verizon provides "dark fiber" — that is, fiber that has not been activated through the connection of the electronics used to carry communications services — in Maryland, the District, and West Virginia. See LacoutureRuesterholz MD Decl. ¶ 213; Lacouture/Ruesterholz DC Decl. ¶ 204; LacouturelRuesterholzWV Decl. ¶ 199; UNE Remand Order ¶ 165. Verizon uses substantially the same processes and procedures to provide dark fiber in these three jurisdictions as those used in Virginia, see Lacouture/Ruesterholz MD Decl. ¶ 214; Lacouture/Ruesterholz DC Decl. ¶ 205; LacoutureRuesterholz WV Decl. ¶ 200, where the Commission found that Verizon's provision of dark fiber satisfies the Act, see Virginia Order ¶ 145; Pennsylvania Order ¶¶ 109-113; New Hampshire/Delaware Order ¶ 18; Vermont Order ¶¶ 56-57. The same conclusion therefore applies here.

From July 2001 through September 2002, Verizon has received only about 170 dark fiber orders from CLECs in Maryland, and completed more than 95 percent of them on time. See LacoutureRuesterholz MD Decl. ¶ 219. From July 2001 through October 2002, Verizon received about 32 dark fiber orders from CLECs in the District, and completed all of them on time. See LacouturelRuesterholz DC Decl. ¶ 210. In West Virginia, Verizon did not receive any dark fiber orders from CLECs between July 2001 and September 2002, but in Virginia Verizon completed all but five of the 96 orders it received during that period on time. See Lacouture/Ruesterholz WV Decl. ¶ 205.

Moreover, Verizon has taken steps to address concerns raised in the state proceeding in Maryland, the District, and West Virginia regarding parallel provisioning of dark fiber and collocation arrangements and the provision of dark fiber interoffice facilities through

intermediate offices. See LacoutureRuesterholz MD Decl. ¶¶ 220-221; LacoutureRuesterholz DC Decl. ¶ 212; Lacouture/Ruesterholz WV Decl. ¶¶ 206-207.[40] Verizon has modified its Model Interconnection Agreement, which is available in all three jurisdictions, to include provisions for parallel provisioning and for dark fiber interoffice facilities through intermediate offices. See Lacouture/Ruesterholz MD Decl. ¶¶ 220-221; Lacouture/Ruesterholz DC Decl. ¶ 212; Lacouture/Ruesterholz WV Decl. ¶¶ 206-207.[41] In addition, Verizon has included similar provisions in an amendment to an interconnection agreement that it has negotiated with one CLEC in Maryland, and entered into a Joint Stipulation in West Virginia pursuant to which it is required to "propose terms and conditions for its dark fiber product that implement those rulings on dark fiber" ultimately made by the FCC in its Virginia arbitration after reconsideration,

[40] During the course of these state proceedings, a few CLECs claimed that Verizon is improperly refusing to provide spare dark fiber facilities that are not terminated at accessible terminals. This claim amounts to a request that Verizon install or construct dark fiber at points in its network where it does not currently exist. See LacoutureiRuesterholzMD Decl. ¶ 222; Lacouture/Ruesterholz WV Decl. ¶ 208. As the Commission explained in the Virginia Order, however, its "dark fiber rules do not specifically apply to unterminated fiber," and Verizon is therefore under no obligation under the checklist to install or construct new dark fiber points for CLECs. See Virginia Order ¶ 146; UNE Remand Order ¶ 174 n.323 (ILEC is required to provide dark fiber only where there is "unused loop capacity that is physically connected to facilities that the incumbent LEC currently uses to provide service").

[41] During the proceedings in Maryland, the District, and West Virginia, a few CLECs complained about Verizon's processes for providing information about the availability of dark fiber. But Verizon makes available in all three jurisdictions the same dark fiber information that Verizon makes available in Virginia, which the Commission found satisfied the checklist requirements. See Lacouture/Ruesterholz MD Decl. ¶ 223; Lacouture/Ruesterholz DC Decl. ¶ 211; LacoutureRuesterholz WV Decl. ¶ 209; Virginia Order ¶ 147; Pennsylvania Order ¶ 109; Vermont Order ¶ 56. For example, Verizon makes available serving wire center maps showing the streets within each wire center where there are existing fiber cable sheaths and existing fiber. See Lacouture/Ruesterholz MD Decl. ¶ 223; LacoutureRuesterholz DC Decl. ¶ 211; Lacouture/Ruesterholz WV Decl. ¶ 209. And, pursuant to the requirements of the Maryland PSC, Verizon also will include in these maps central office and all related termination points for all fiber facilities contained in these maps. See Lacouture/Ruesterholz MD Decl. ¶ 223; Maryland PSC December 16th Letter at 5.

appeal, modification or final adjudication. See LacoutureRuesterholz MD Decl. ¶ 221; LacoutureRuesterholz WV Decl. ¶ 207.

5. Combining Unbundled Network Elements.

Verizon provides competing carriers in Maryland, the District, and West Virginia with both existing combinations of network elements and access to unbundled elements that allows competing carriers to assemble combinations of elements themselves in the same manner as it does in Verizon's 271-approved states. See Lacouture/Ruesterholz MD Decl. ¶ 224; LacoutureRuesterholz DC Decl. ¶ 213; LacoutureRuesterholz WV Decl. ¶ 210. In addition, Verizon has notified CLECs in all three jurisdictions that it will provide new combinations subject to the limitations that the FCC upheld in the Supplemental Order Clarification[42] and which the D.C. Circuit has recently affirmed. See LacoutureRuesterholz MD Decl. ¶ 224; LacoutureRuesterholz DC Decl. ¶ 213; LacoutureRuesterholz WV Decl. ¶ 210.

Verizon provides the same preassembled combinations of network elements in each of the three jurisdictions that it provides in its states that have received section 271 approval. See LacoutureRuesterholz MD Decl. ¶¶ 224,228; Lacouture/Ruesterholz DC Decl. ¶¶ 213,217; Lacouture/Ruesterholz WV Decl. ¶¶ 210,214; Virginia Order ¶ 59 (finding that Verizon's provision of UNE combinations satisfies the checklist); Pennsylvania Order ¶ 73 (same); New Hampshire/Delaware Order ¶ 18 (same); New Jersey Order ¶ 1 (same); Massachusetts Order ¶¶ 117-118 (same); Rhode Island Order ¶ 72 (same); Vermont Order ¶ 44 (same); Maine Order ¶ 42 (same).[43] As noted above, through September 2002, Verizon has provided competing

[42] Implementation of the Local Competition Provisions of the Telecommunications Act of, Supplemental Order Clarification, 15 FCC Rcd 9587 (2000) ("Supplemental Order Clarification").

[43] During the course of the state proceedings in Maryland, the District, and West Virginia, AT&T complained about the methods for ordering loop and transport combinations.

carriers with approximately 41,000 complete, preassembled platforms of network elements in Maryland, 5,400 such platforms in the District, and 1,800 such platforms in West Virginia. See Lacouture/Ruesterholz MD Decl. ¶ 187; Lacouture/Ruesterholz DC Decl. ¶ 178; LacoutureRuesterholz WV Decl. ¶ 175.

Verizon also provides a "switch sub-platform" (local switching in combination with other shared network elements such as shared transport, shared tandem switching, and SS7 signaling), although no competitor in Maryland, the District, or West Virginia has yet requested this combination. See Lacouture/Ruesterholz MD Decl. ¶ 230; LacoutureRuesterholz DC Decl. ¶ 219; Lacouture/Ruesterholz WV Decl. ¶ 216. Moreover, Verizon provides loop and transport combinations in accordance with the Commission's **rules.** See Lacouture/Ruesterholz MD Decl. ¶ 23 1; LacoutureRuesterholz DC Decl. ¶ 220; LacoutureRuesterholz WV Decl. ¶ 217; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Supplemental Order, 15 FCC Rcd 1760 (1999); Supplemental Order Clarification, **supra;** Competitive Telecoms. Ass'n v. FCC, 309 F.3d 8 (D.C. Cir. 2002).

Verizon also offers CLECs in Maryland, the District, and West Virginia the same methods of access to combine unbundled network elements as it offers in its 271-approved states. See LacoutureRuesterholz MD Decl. ¶ 224; Lacouture/Ruesterholz DC Decl. ¶ 213;

But Verizon's methods follow the industry guidelines, which permit CLECs to submit one order for the vast majority **of** loop/transport combinations, and require two orders only in certain limited circumstances (which represent less than 3 percent **of** the combinations ordered in the former Bell Atlantic South territory) such as where a CLEC orders a loop that uses a different kind of facility than the transport with which it must be combined. See Lacouture/Ruesterholz MD Decl. ¶ 234; LacoutureRuesterholz DC Decl. ¶ 223; Lacouture/Ruesterholz WV Decl. ¶ 220. Moreover, the Maryland PSC has required Verizon to adopt the same EEL ordering and billing process that is used in Massachusetts, under which Verizon does not start billing the CLEC for the EEL until both the transport elements and ***the*** first loop ***are*** in place. See LacoutureRuesterholz MD Decl. ¶ 235; Marvland PSC December 16th Letter at 7. Although this requirement goes beyond what the checklist requires, Verizon has agreed to comply. See LacouturelRuesterholz MD Decl. ¶ 235.

Lacouture/Ruesterholz WV Decl. ¶ 210; Virginia Order ¶ 59; Pennsylvania Order ¶ 73; New Hampshire/Delaware Order ¶ 18; New Jersey Order ¶ 1; Massachusetts Order ¶¶ 117-119; Rhode Island Order ¶ 72; Vermont Order ¶ 44; Maine Order ¶ 42. Verizon offers competing carriers a variety of forms of access that permit them to combine network elements, including physical, virtual, and various forms of cageless collocation. See Lacouture/Ruesterholz MD Decl. ¶ 226; Lacouture/Ruesterholz DC Decl. ¶ 215; Lacouture/Ruesterholz WV Decl. ¶ 212.

6. **Pricing of** Unbundled Network Elements.

Verizon is charging UNE rates in Maryland, the District, and West Virginia that comply with the Act and this Commission's prior orders.

The Maryland PSC established wholesale rates for the majority of unbundled network elements — those established by this Commission's Local Competition Order[44] — in a pricing proceeding in which it found that those rates comply fully with the Act and the Commission's rules, The PSC subsequently directed Verizon to reduce the loop and switching rates in Maryland to levels that, when the loop and aggregate non-loop rates are compared to the loop **and** aggregate non-loop rates recently adopted in **New** York, satisfy or are substantially below the Commission's well-established benchmark test. Moreover, for those elements that were not established in the PSC's original UNE decision — such as those required by this Commission's UNE Remand Order and non-recurring rates — *the* PSC established interim rates, and Verizon is charging the lower of either those interim rates or the comparable rates in New York, adjusted where possible to account for cost differences between D.C. and New York.[45]

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[44] Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, First Report and Order, 11 FCC Rcd 15499 (1996) ("Local Competition Order") (subsequent history omitted).

[45] In January 2001, the Maryland PSC established a new proceeding **(Case** No. 8879) to re-examine the rates for all unbundled network elements. See Roberts/Garzillo/Prosini Decl.

The District of Columbia PSC has recently completed a pricing proceeding in which it adopted UNE rates that are substantially below the range that a reasonable application of TELRIC principles would produce. Verizon accordingly intends to petition the PSC to reconsider its decision. Pursuant to District of Columbia law, Verizon's petition **will** trigger a stay of the new rates until the PSC issues a final determination on the petition. While the rates are stayed, Verizon will offer UNE rates in the District that are the lower of the previous rates in effect in the District prior to the PSC's recent decision, or the comparable rates recently adopted in New York, adjusted where possible to account for cost differences between D.C. and New York. This approach is consistent with Commission precedent and ensures that the rates in effect in the District will be within (or below) the TELRIC range.

The West Virginia PSC established permanent wholesale rates for UNEs in a pricing proceeding in which it found that these rates comply **fully** with the Act and the Commission's rules. Verizon subsequently adopted reduced non-loop rates that benchmark to the non-loop rates recently adopted in New York, and adopted rates for those elements not originally established by the West Virginia PSC — such as those required by this Commission's UNE Remand Order — that, consistent with this Commission's well-settled precedent, satisfy the requirements of the Act. Although the loop rates set by the West Virginia PSC in it is pricing proceeding benchmark to the New York rates — which therefore provides **an** independent basis

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¶ **27;** Order No. **76694,** Petitions for Approval of Ameements and Arbitration of Unresolved Issues Arising Under § **252** of the Telecommunications Act of **1996,** Case No. **8731,** Phase II (MD PSC Jan. **19,2001)** (App. E-MD, Tab **107).** The record in this pricing proceeding is now closed, and the parties are awaiting a final decision by the Maryland PSC. See Roberts/Garzillo/Prosini Decl. ¶ **27.** As the Commission has repeatedly held, the fact that there are ongoing pricing proceedings that might affect **a** Bell company's offerings in the future does not affect whether a BOC satisfies the checklist at the time it files its application. See Virginia Order ¶¶ **76-77;** Georgia/Louisiana Order ¶ **96;** Rhode Island Order ¶ **31;** Massachusetts Order ¶ **36;** New York Order ¶ **247;** AT&T, **220** F.3d at **617.**

for finding those rates TELRIC-compliant — Verizon has adopted modifications of the density zones in West Virginia that effectively reduce the statewide average loop rates to levels that benchmark to the New York loop rates by an even wider margin.

a. The UNE Rates in Maryland

The rates that are currently in effect in Maryland satisfy the requirements of the Act in all respects. In addition, while the Maryland PSC is currently in the process of establishing new rates for UNEs (in Case No. 8879), this Commission has repeatedly held that the fact that there are ongoing pricing proceedings that might affect a Bell company's offerings in the future does not affect whether a BOC satisfies the checklist at the time it files its application. See Virginia Order ¶¶ 76-77; Georgia/Louisiana Order ¶ 96; Rhode Island Order ¶ 31; Massachusetts Order ¶ 36; New York Order ¶ 247; AT&T, 220 F.3d at 617.

Recurring Rates Established in the Maryland PSC's Phase II Proceeding. With the exception of the loop and switching rates, the current recurring rates in Maryland for the UNEs established in this Commission's Local Competition Order were set by the Maryland PSC in a pricing proceeding in which it found that these rates comply fully with the Act and the Commission's rules. The Commission has repeatedly held that it "will not conduct a ***de novo*** review of a state's pricing determinations" and will reject an application only if "'basic TELRIC principles are violated or the state commission makes clear errors in factual findings on matters ***so*** substantial that the end result falls outside the range that the reasonable application of TELRIC principles would produce."' Vermont Order ¶ 15 (quoting New York Order ¶ 244).[46]

[46] As the courts have held, the clear error standard is "narrow" and "highly deferential," and the burden of establishing a clear error is on the party challenging the decision. Citizens to Preserve Overton Park, Inc. v. Volpe, 401 U.S. 402,416 (1971); MCI WorldCom Network Servs., Inc. v. FCC, 274 F.3d 542,547 (D.C. Cir. 2001); see also Bailey v. Federal Nat'l Mortgage Ass'n, 209 F.3d 740,743 (D.C. Cir. 2000); cf. Allentown Mack Sales & Serv., Inc. v.

In September 1997, the Maryland PSC released an order setting forth its conclusions regarding the appropriate cost model and inputs for establishing permanent UNE rates. See Order No. 73707, Petitions for Approval for Ameements and Arbitration of Unresolved Issues Arising Under § 252 of the Telecommunications Act of 1996, Case No. 8731, Phase II (MD PSC Sept. 22, 1997) ("Maryland Inputs Order") (App. E-MD, Tab 74). The PSC's order expressly adopted the FCC's TELRIC methodology. See id. at 18; see also Roberts/Garzillo/Prosini Decl. ¶ 16. The PSC declined, however, to adopt either Verizon's or AT&T/WorldCom's proposed cost models in their entirety. See Maryland Inputs Order at 17, 19; Roberts/Garzillo/Prosini Decl. ¶ 16.[47] The PSC instead adopted key cost inputs of its own, and asked the parties to submit revised cost models using the inputs adopted by the PSC. See id. ¶¶ 17-18.

On July **2,** 1998, the Maryland PSC issued an order reaffirming its commitment to the TELRIC methodology and establishing permanent recurring UNE rates. See id. ¶ 20; Order No. 74365, Petitions for Approval for Ameements and Arbitration of Unresolved Issues Arising Under § 252 of the Telecommunications Act of 1996, Case No. 8731, Phase II (MD PSC July 2, 1998) ("Maryland Recurring Rates Order") (App. E-MD, Tab 92). The PSC again refused to adopt either Verizon's or AT&T/WorldCom's cost models in their entirety and stated instead that it would use both models as a guide to help it establish rates. See id. at 14; Roberts/Garzillo/Prosini Decl. ¶ 20. For example, the PSC adopted a statewide average loop rate that **was** slightly above the mid-point of the rates proposed by the Verizon and AT&T using the

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NLRB, 522 U.S. 359,376 (1998) (agency must "apply in fact the clearly understood legal standards that it enunciates in principle").

[47] Verizon filed a cost study in the Phase II proceeding in January 1997. See Roberts/Garzillo/Prosini Decl. ¶ 13. AT&T and WorldCom also submitted their own cost study, version 3.1 of the Hatfield Model. See id.

inputs prescribed by the PSC. See Maryland Recurring Rates Order at **9-10;** Roberts/Garzillo/Prosini Decl. ¶ **20.**

As described in more detail in the Roberts/Garzillo/Prosini Declaration, the UNE rates established by the Maryland PSC were based on the use of inputs and assumptions that are fully consistent with what this Commission has found TELRIC-compliant in the past.

First, the PSC adopted depreciation lives proposed by this Commission. See Roberts/Garzillo/Prosini Decl. ¶ **47.** This Commission previously has affirmed rates set using "the depreciation rates the Commission has set." Kansas/Oklahoma Order ¶ **76;** see also Rhode Island Order ¶ 30 (approving the use of "Commission-prescribed depreciation lives").

Second, the PSC used a weighted average cost of capital of **10.1** percent, see Roberts/Garzillo/Prosini Decl. ¶ **45,** which is lower than the **11.25** percent cost of capital this Commission has adopted as a "reasonable starting point for TELRIC calculations." Local Competition Order ¶ **702.**

Third, the PSC assumed that loops longer than **9,000** feet would be served by fiber, while shorter loops would be served by copper. See Roberts/Garzillo/Prosini Decl. ¶ **48.** This is the same copper/fiber breakpoint used in Vermont, which the Commission found consistent with TELRIC principles. See Vermont Order ¶¶ **17-18.** Moreover, the Commission has previously found that even the assumption that *all* loops are fiber is consistent with TELRIC, and the D.C. Circuit upheld that determination. See New York Order ¶¶ **248-249;** AT&T, **220** F.3d at **618-19;** see also Pennsylvania Order ¶ **59.**

Fourth, the PSC adopted fill factors — **76** percent for copper feeder, **85** percent for fiber feeder, and **57** percent for distribution — that are consistent with (or higher than) the fill factors that this Commission has approved as TELRIC compliant in prior section **271** orders. See

Roberts/Garzillo/Prosini Decl. ¶ 51; Rhode Island Order ¶ 56 (approving 75-percent **fill** factor for feeder, and 50 percent for distribution); New Jersey Order ¶¶ 29-31 (approving 77.5-percent **fill** factor for feeder); Kansas/Oklahoma Order ¶¶ 79-80 (noting that the Commission has adopted fill factors from 50 to 75 percent).

LOOP and Switching Rates. Although the Maryland PSC established switching and loop rates in the Phase II proceeding, it has subsequently directed Verizon to reduce those rates to levels that, when the loop and aggregate non-loop rates are compared to the loop and aggregate non-loop rates recently adopted in New York, satisfy or are substantially below the Commission's well-established benchmark test. See Roberts/Garzillo/Prosini Decl. ¶ 32; Maryland PSC December 16th Letter at 9 (requiring Verizon to reduce the current statewide average loop rate from $14.50 to $12.00, and the end-office per-minute switching rate from $0.003800 to $0.001676); Verizon December 17th Letter at 1 (agreeing to comply with the terms of the Marvland PSC December 16th Letter). The Commission has held that, in making a determination about whether rates in a particular state comply with TELRIC, it may in appropriate circumstances **"look** to rates in other section 271-approved states to see if the rates nonetheless fall within the range that a reasonable TELRIC-based rate proceeding would produce." Rhode Island Order ¶ 38. The D.C. Circuit has repeatedly affirmed the Commission's practice of using a benchmark test and, where that test is met, of refusing to look behind the rates to determine whether they were ''calculated by TELRIC means." Sprint Communications Co. v. FCC, 274 F.3d 549,561 (D.C. Cir. 2001); see WorldCom, Inc. v. FCC, 308 F.3d 1 (D.C. Cir. 2002). The court reasoned that "[t]o create a distinction between properly derived cost-based rates and rates that were equal to them . . . 'would promote form over substance, which, given the necessarily imprecise nature of setting TELRIC-based pricing, is wholly unnecessary."'

Sprint, 274 F.3d at 561 (quoting Kansas/Oklahoma Order ¶ 87). Moreover, the Commission has held on several occasions that the rates recently adopted in New York may be used as a benchmark for Verizon states. See Rhode Island Order ¶ 53; Virginia Order ¶ 92 & n.316; New Hampshire/Delaware Order ¶¶ 34, 79; Maine Order ¶ 32; New Jersey Order ¶ 50. Thus, because the Maryland loop and non-loop rates benchmark to (or are substantially below) the loop and non-loop rates in New York, Verizon "has met its burden to show that its rates are TELRIC-compliant." Pennsylvania Order ¶ 65.

Current Rates for UNEs Not Established in the Maryland PSC's Phase II Proceeding. Verizon also is charging TELRIC-compliant rates for the UNEs that were not addressed in the Maryland PSC's Phase II pricing proceeding, such as those established by this Commission's UNE Remand Order and Line Sharing Order[48] that were adopted after the PSC completed its pricing proceeding, as well as the non-recurring rates. These rates were set in a manner that is fully consistent with Commission precedent and fall within the range that a reasonable application of TELRIC would produce.

The Maryland PSC initially established interim rates for the UNE Remand Order elements and for non-recurring elements. The interim rates the PSC adopted for non-recurring elements were based on the rates that Verizon had proposed in the Phase II proceeding. See Roberts/Garzillo/Prosini Decl. ¶ 25; Order No. 74551, Investigation of Non-Recurring Charges for Telecommunications Interconnection Services, Case No. 8786 (MD PSC Aug. 28, 1998) (App. F-MD, Tab 5). The interim rates the PSC adopted were based on the rates that Verizon proposed in September 2000 in a filing to comply with that order, and are subject to true-up to

[48] Deployment of Wireline Services Offering Advanced Telecommunications Capability, Third Report and Order in CC Docket No. 98-147 and Fourth Report and Order in CC Docket No. 96-98, 14 FCC Rcd 20912 (1999) ("Line Sharing Order").

the rates that the PSC establishes in its ongoing pricing proceeding. See Roberts/Garzillo/Prosini Decl. ¶ 25; Letter from Donald P. Eveleth, Maryland PSC, to John W. Dillon, Verizon Maryland (Nov. 29,2000) (App. Q- MD, Tab 3).

As noted above, the Maryland PSC has a pending proceeding to establish new permanent rates for all UNEs, including those for which it had set only interim rates in the past. See Roberts/Garzillo/Prosini Decl. ¶ 27. In the interim while the parties await a decision, the PSC has directed Verizon to charge the lower of the interim rate adopted by the PSC, or the comparable New York rate, adjusted (where possible) to reflect cost differences between Maryland and New York. See id. ¶ 33; Marvland PSC December 16th Letter at 9; Marvland PSC December 17th Letter at 1. This is analogous to the approach that Verizon took in Virginia, where this Commission found that "Verizon's use of proxy rates [from New York] produced rates that are within the range that a reasonable application of TELRIC principles would produce." Virginia Order ¶ 124; ;see id. ¶¶ 126-129; see also Arkansas/Missouri Order ¶ 75; Rhode Island Order ¶ 55; Massachusetts Order ¶¶ 22-25.

As in Virginia, it also is appropriate to adopt in Maryland the non-recurring New York rates without any cost adjustment. In Virginia, the Commission found that it was "reasonable for Verizon to have selected the latest New York rates in the absence of rates set by the Virginia Commission," because "the New York Commission has been very thorough in its pricing proceedings and has demonstrated a 'commitment to accurate, cost-based rate making."' Virginia Order ¶¶ 127, 129. The Commission also found that the provision of UNEs in both Virginia and New York "involve similar work functions and work activities." Id. ¶ 128; see also Arkansas/Missouri Order ¶ 75 (holding that is appropriate for one state to adopt the rates used in

another state where the rates in both states use the "same types of inputs" and involve the same types of "activities").

These conclusions apply with equal force here. **As** described above, Verizon uses the very same systems and processes to provision UNEs in Maryland as it uses in Virginia. Thus, just **as** the Commission found that the provisioning of UNEs in New York and Virginia involved "similar functions and work activities," the same is necessarily true of New York and Maryland. **As** in Virginia, therefore, because Maryland has not yet established permanent non-recurring rates, it is entirely appropriate for Verizon to rely on the New York non-recurring rates **as** a proxy (where those rates are lower than the interim Maryland rates) until those rates are set in Maryland.

b. The UNE Rates in Washington, D.C.

Until just recently, the UNE rates available to CLECs in the District were a combination of interim rates set by the PSC in November 1996, and rates that were voluntarily negotiated by Verizon and CLECs and contained in interconnection agreements. See Johns/Garzillo/Prosini Decl. ¶ 16. On December 6,2002, the District of Columbia issued an order (in Formal Case No. 962) establishing PSC-set UNE rates for the first time. See id. ¶ 25; Opinion and Order, Order No, 12610, Formal Case No. 962, Implementation of the District of Columbia Telecommunications Act of 1996 and Implementation of the Telecommunications Act of 1996 (DC PSC Dec. 6,2002) ("DC UNE Order") (App. C-DC, Tab **83).** The rates adopted by the PSC are substantially below the range that any reasonable application of TELRIC principles would produce. See Johns/Garzillo/Prosini Decl. ¶ 25.

The **PSC** misconstrued this Commission's pricing methodology in a number of critical respects, including in its assumption that TELRIC does not permit the **use** of data derived from the existing network **as** a starting point in determining forward-looking costs, and in its holding

that TELRIC does not require that the technologies assumed be "currently available." See DC UNE Order at 86-88, 94-95, 157. Moreover, as one Commissioner notes in dissent, the PSC adopted rates of "zero" for line sharing and line conditioning — "not . . . because there is no cost to Verizon DC but rather because as the majority notes . . . 'the Commission does not wish to reopen the Price Cap Plan."' Dissent of Commissioner Anthony M. Rachal III, Order No. 12610, ¶ 2 (DC PSC Dec. 6,2002) (citing DC UNE Order at 154). As a result of these and other violations of TELRIC principles, many of the rates produced by the PSC fall below the permissible TELRIC range. For example, the new loop rates in the District are *half* the level that a benchmark comparison to the New York rates would produce. See Johns/Garzillo/Prosini Decl. ¶ 26. The switching usage and port rates adopted by the PSC are even lower than the rock-bottom rates that AT&T had proposed, and the new non-loop rates in the aggregate are 67 percent *lower* than the non-loop rates in New York, even though the non-loop costs in the District are 31 percent higher than the non-loop costs in New York. See id.

In light of the fact that the rates established by the PSC are substantially below the permissible TELRIC range, Verizon plans to petition the District of Columbia PSC to reconsider its decision. See id. ¶ 27.[49] Pursuant to District of Columbia law, Venzon's petition will trigger a stay of the new rates until the PSC issues a final determination on the petition. See D.C. Code *Ann.* § 34-604(b) (2001); Johns/Garzillo/Prosini Decl. ¶ 27. Verizon has, therefore, sent an industry letter to carriers operating in the District informing them that, in the interim while the rates are stayed, Verizon will make available to them the lower of (1) the recurring or non-recurring rate that was in effect in the District prior to the release of the DC UNE Order, or (2) the New York equivalent rate, adjusted where possible to reflect relative costs in New York and

[49] Under D.C. law, Verizon has 30 days from the date of publication of the PSC's order to file a petition for reconsideration. See D.C. Code *Ann.* § 34-604(b) (2001).

the District, as predicted by the Commission's USF Cost Model. See Johns/Garzillo/Prosini Decl. ¶ 27; cf. Virginia Order ¶¶ 15-16 (finding that offering made through industry letter sent to CLECs represents a legally binding commitment); Massachusetts Order ¶¶ 175-181 (same).

As described above, the Commission has repeatedly held that, in determining whether rates comply with TELRIC, it is appropriate to consider rates that have previously been found to be based on TELRIC principles, and that it is appropriate in this context to use the rates recently adopted in New York as a benchmark for Verizon states. See Virginia Order ¶ 92; New Hampshire/Delaware Order ¶¶ 34, 79; Rhode Island Order ¶ 53; Maine Order ¶ 32; New Jersey Order ¶ 50. During the period of any stay of the PSC's UNE order, the UNE rates in the District — including the rates for unbundled switching and unbundled loops — will be comparable to, or lower than, the UNE rates recently adopted in New York, adjusting for the cost differences between the District and New York where appropriate. See Johns/Garzillo/Prosini Decl. ¶ 27. Moreover, consistent with well-settled precedent, Verizon will make available in the District non-recurring rates that, without any cost adjustment, are either equal to or lower than the non-recurring rates that have been adopted in New York. See id. As explained above, this is entirely appropriate here given that Verizon uses the very same systems and processes to provision UNEs in the District as it uses in Virginia, and the Commission has already found that it was appropriate to adopt the New York rates in Virginia without any cost adjustment.

In sum, regardless of which set of rates is in effect, there can be no question that Verizon will continue to satisfy the Act because both sets of rates satisfy this Commission's well-settled benchmark test when compared to the recently adopted New York rates.

c. The UNE Rates in West Virginia

Recurring and Non-Recurring Rates Established in the West Virginia PSC's Pricing Proceeding. With the exception of the switching and loop rates, the current recurring and non-

recurring rates in West Virginia for the UNEs established in this Commission's Local Competition Order were set by the West Virginia PSC in a pricing proceeding in which it found that these rates comply fully with the Act and the Commission's rules.

The West Virginia PSC first initiated a proceeding to establish UNE rates in December 1996 (Case No. 96-1516-T-PC — the "SGAT proceeding"). See Given/Garzillo/Sanford Decl. ¶ 12. In January 1997, Verizon filed proposed rates with the PSC based on its recurring and non-recurring cost models. See id. ¶ **13.** AT&T proposed alternative rates — recurring rates based on its own cost model (Hatfield Model, version 2.2.2), and non-recurring rates based on a restatement of Verizon's cost model. See id. ¶ 15.

In April 1997, the West Virginia PSC released an order setting forth its conclusions regarding the appropriate cost model and inputs for establishing UNE rates. See Order, Bell Atlantic-West Virginia, Inc.. Petition To Establish a Proceeding To Review the Statement of Generally Available Terms and Conditions Offered by Bell Atlantic in Accordance with Sections 251.252. and 271 of the Telecommunications Act of 1996, **Case** No. 96-1516-T-PC (WV PSC Apr. 21, 1997)("April 21 Order") (App. **C-WV,** Tab **34);** Given/Garzillo/Sanford Decl. ¶ 17. The PSC's order expressly adopted the FCC's TELRIC methodology. See April 21 Order at **33;** see also Given/Garzillo/Sanford Decl. ¶ 17. The PSC found that neither Verizon's nor AT&T's proposed cost model "is superior to the other," and that "it is not ***so*** much the cost models selected as the inputs which will be determinative of rates." April 21 Order at 36-37. The PSC nonetheless adopted AT&T's proposed cost model for recurring rates, which the PSC then modified with respect to certain inputs (e.g., depreciation lives, distribution fill factor, structure sharing percentages). See id. at **43-48;** Given/Garzillo/Sanford Decl. ¶ 18.[50] The PSC adopted

[50] Because the Hatfield Model was unable to calculate recurring rates for certain UNEs,

Verizon's proposed cost model for non-recurring rates. See April 21 Order at 62-67; Given/Garzillo/Sanford Decl. ¶ 20. In subsequent orders involving petitions for reconsideration of its order, the West Virginia PSC largely affirmed these determinations and made a few additional modifications to certain inputs."

In October 1997, the PSC concluded that the rates Verizon had adopted in its SGAT pursuant to the PSC's earlier orders "were based upon TELRIC-compliant cost studies." Order, Bell Atlantic-West Virginia, Inc., Petition To Establish a Proceeding To Review the Statement of Generally Available Terms and Conditions Offered by Bell Atlantic in Accordance with Sections 251.252. and 271 of the Telecommunications Act of 1996, Case No. 96-1516-T-PC (WV PSC Oct. 31, 1997) ("October 31 Order") (App. C-WV, Tab 43); Given/Garzillo/Sanford Decl. ¶ 24. The PSC accordingly adopted those rates as "permanent, rather than interim, rates." October 31 Order at 9; Given/Garzillo/Sanford Decl. ¶ 24.

As described in more detail in the Given/Garzillo/Sanford Declaration, the UNE rates established by the West Virginia PSC were based on the use of inputs and assumptions that are fully consistent with what this Commission has found TELRIC-compliant in the past.

First, the PSC adopted depreciation lives for the distribution loop and feeder loop that are the same as those proposed by this Commission for West Virginia in 1995. See

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Verizon worked together with the West Virginia PSC's Staff to develop rates for these UNEs. Given/Garzillo/Sanford Decl. ¶ 23. No party challenged any of the rates contained in Verizon's compliance filing. See id.

[51] See Order, Bell Atlantic-West Virginia, Inc., Petition To Establish a Proceeding To Review the Statement of Generally Available Terms and Conditions Offered by Bell Atlantic in Accordance with Sections 251,252. and 271 of the Telecommunications Act **of** 1996, Case No. 96-1516-T-PC (WV PSC May 16, 1997) (App. C-WV, Tab 37); Order, Bell Atlantic-West Virginia, Inc.. Petition To Establish a Proceeding To Review the Statement of Generally Available Terms and Conditions Offered by Bell Atlantic in Accordance with Sections 251,252, and 271 of the Telecommunications Act of 1996, Case No. 96-1516-T-PC (WV PSC June 26, 1997) (App. C-WV, Tab 38); Given/Garzillo/Sanford Decl. ¶¶ 21-22.

Given/Garzillo/Sanford Decl. ¶ 53. This Commission previously has affirmed rates set using "the depreciation rates the Commission has set." Kansas/Oklahoma Order ¶ 76; see also Rhode Island Order ¶ 30 (approving the use of "Commission-prescribed depreciation lives"). With respect to all other plant, the PSC adopted depreciation lives that are the shorter of (1) the lives proposed by AT&T, which were based on lives this Commission recommended for use in West Virginia in 1995; (2) Verizon's actual 1996 depreciation lives for West Virginia, as reported to the PSC; (3) the Hatfield Model's default depreciation lives; and (4) *national* ranges prescribed by this Commission. See Given/Garzillo/Sanford Decl. ¶ 53. These depreciation lives result in rates that understate Verizon's costs. See id.

Second, the PSC used a weighted average cost of capital of 11.25 percent, see Given/Garzillo/Sanford Decl. ¶ 51, which is equivalent to the 11.25 percent cost of capital this Commission has adopted as a "reasonable starting point for TELRIC calculations." Local Competition Order ¶ 702.

Third, the PSC adopted the Haffield Model's assumptions regarding the use of fiber loops. See Given/Garzillo/Sanford Decl. ¶ 54. **As** Verizon understands it, that model assumes that loops longer than 9,000 feet would be served by fiber feeder, while shorter loops would be served by copper. See id. In the Vermont Order, the Commission approved rates that were based on cost studies using the very same assumption. See Vermont Order ¶ 18. The Commission also has found that even the assumption that *all* loops are fiber is consistent with TELRIC, and the **D.C.** Circuit upheld that determination. See New York Order ¶¶ 248-249; AT&T, 220 F.3d at 618-19; see also Pennsylvania Order ¶ 59.

Fourth, the PSC adopted fill factors — 78 percent for feeder, and **47** percent for distribution — that are consistent with (or higher than) the fill factors that *this* Commission has

approved as TELRIC-compliant in prior section 271 orders. See Given/Garzillo/Sanford Decl. ¶¶ 56-57; Rhode Island Order ¶ 56 (approving 75-percent fill factor for feeder, and 50 percent for distribution); New Jersey Order ¶¶ 29-31 (approving 77.5-percent fill factor for feeder); Kansas/Oklahoma Order ¶¶ 79-80 (noting that the Commission has adopted fill factors from 50 to 75 percent); BellSouth Five-State Order ¶ 49 n.145 (approving 44.6 percent fill factor for distribution).

Although the West Virginia loop rates were set by the PSC in a manner that **is** fully consistent with TELRIC, during the course of the section 271 proceeding in West Virginia, Verizon entered into a Joint Stipulation with the Staff of the West Virginia PSC as well **as** the Consumer Advocate Division to reallocate West Virginia wire centers among density zones in a manner that effectively reduced the statewide average loop rate. See Given/Garzillo/Sanford Decl. ¶ 42; Joint Stipulation and Agreement for Settlement, Inquiry into Verizon West Virginia Inc.'s Compliance with the Conditions Set Forth in 47 U.S.C. § 271(c), Case No. 02-0809-T-P (WV PSC filed Oct. 15,2002) ("First Joint Stipulation") (App. B-WV, Tab 19).

Although the prior loop rates already passed the benchmark test — which provides **a** separate and independent reason to find rates TELRIC-compliant — with the additional reduction the statewide average loop rates in West Virginia satisfy the benchmark by **an** even wider margin. See Given/Garzillo/Sanford Decl. ¶ 42. Thus, in all cases, Verizon "has met its burden to show that its rates are TELRIC-compliant." Pennsylvania Order ¶ 65.

Switching Rates. Although the West Virginia PSC established switching and loop rates in the SGAT proceeding, Verizon has subsequently adopted per-minute originating and terminating switching rates that result in aggregate non-loop rates that satisfy the Commission's

well-established benchmark test when compared to the rates in New York. See Given/Garzillo/Sanford Decl. ¶ 49; First Joint Stipulation at 2.[52]

Current Rates for UNEs Not Established in the West Virginia PSC's Pricing Proceeding. Verizon also is charging TELRIC-compliant rates for the UNEs that were not addressed in the West Virginia PSC's pricing proceeding, such as those established by this Commission's UNE Remand Order that were adopted after the PSC completed its SGAT pricing proceeding. These rates were set in a manner that is fully consistent with Commission precedent and fall within the range that a reasonable application of TELRIC would produce.

The West Virginia PSC established a new proceeding (Case No. 01-1696-T-PC — the "Gap/Remand Proceeding") to set rates for those UNEs that were not addressed in its SGAT proceeding, including elements that this Commission first established after the SGAT proceeding closed. See Given/Garzillo/Sanford Decl. ¶ 27. In December 2001, Verizon filed proposed rates and supporting cost studies for these new UNEs that were consistent with TELRIC principles and the pricing principles adopted by the West Virginia PSC. See id. To the extent possible, Verizon derived these proposed rates from the rates the PSC approved in its previous pricing proceeding. See id. Following discovery regarding these proposed rates — including the filing of testimony by AT&T — Verizon submitted new rates for three elements that were lower than those it originally proposed. See id. ¶ 31. On October 24,2002, Verizon entered into a Joint Stipulation with the PSC's Staff and its Consumer Advocate Division to resolve the outstanding issues in the Gap/Remand proceeding by recommending that the PSC adopt certain adjustments that would reduce Verizon's proposed rates. See id. ¶ 33; Joint Stipulation and Agreement for

[52] Pursuant to the First Joint Stipulation, Verizon reduced the per-minute originating and terminating local switching rates to $0.002586 and $0.002505, respectively. See Given/Garzillo/Sanford Decl. ¶ 49; First Joint Stipulation at 2.

Settlement, Verizon West Virginia Inc. Petition for Declaratory Ruing that the Pricing of Certain Additional Unbundled Network Elements Complies with Total Element Long-Run Incremental Cost ("TELRIC") Principles, Case No. 01-1696-T-PC at 2 (Oct. **24,2002)** (App. D-WV, Tab **13)** ("Second Joint Stipulation"). The PSC sought comment on this stipulation, but the only issue raised by any CLEC was the argument that the rates should be benchmarked to New Jersey, rather than to New York. See Given/Garzillo/Sanford Decl. ¶ 40. The PSC approved the Second Joint Stipulation on December **18,2002.** See id.; Order, Verizon West Virginia Inc., Petition for Declaratory Ruling that Pricing of Certain Additional Unbundled Network Elements (UNEs) Complies with Total Element Long-Run Incremental Cost (TELRIC) Principles, Case No. 01-1696-T-PC (WV PSC Dec. **18,2002)** (App. J-WV, Tab **14).**

With regard to the recumng rates for the GAP/Remand UNEs, the Second Joint Stipulation makes adjustments to Verizon's proposed rates in a manner that is consistent with the Act and Commission precedent. See Given/Garzillo/Sanford Decl. ¶ **33.**

First, for those rates that Verizon had calculated based on rates the PSC had previously approved for comparable elements (which Verizon sought to do wherever practicable), the Second Joint Stipulation generally required no cost adjustment for the non-loop elements (which compared favorably with the corresponding New York rates), and required that most loop rates be revised to reflect the same density cell structure that was adopted in the First Joint Stipulation, discussed above. See id. ¶ **35.**

Second, for those rates that Verizon had calculated based on its own cost studies — that is, where there was no PSC-established rate for a comparable element on which Verizon could rely — the Second Joint Stipulation required Verizon to adopt the lower of Verizon's proposed rate, reduced by **2.2** percent, or the comparable New York rate (adjusted for cost differences

between West Virginia and New York where appropriate). See id. ¶ 36.[53] The 2.2-percent reduction was intended to reflect the amount of common overhead savings that parties in the West Virginia proceeding alleged that Verizon should achieve. See id. This approach is analogous to the approach that Verizon took in Virginia, where this Commission found that "Verizon's use of proxy rates produced rates that are within the range that a reasonable application of TELRIC principles would produce." Virginia Order ¶ 124; see id. ¶¶ 126-129; see also Rhode Island Order 755; Massachusetts Order ¶¶ 22-25.

Finally, the Second Joint Stipulation required that the non-recurring rates proposed by Verizon be reduced by 2.2 percent, with two exceptions. See Given/Garzillo/Sanford Decl. ¶ 38. First, for certain UNE-platform-related non-recurring rates, it required Verizon to replace the rates it had proposed with lower rates proposed by the **PSC's Staff** or Consumer Advocate Division. See id. ¶ 39. Second, it required that Verizon reduce its proposed service order charge for 2-wire and 4-wire xDSL loops by 50 percent to be consistent with service order charges for other 2- and 4-wire loop elements. See id.

C. Poles, Ducts, Conduits, and Rights-of-way (Checklist Item 3).

Verizon provides nondiscriminatory access to poles, ducts, conduits, and rights-of-way that it owns or controls in Maryland, the District, and West Virginia. Through September 2002, Verizon has provided approximately 324,000 pole attachments and access to approximately 637,000 feet of conduit in Maryland; approximately 8,400 pole attachments and access to approximately **1.9** million feet of conduit in the District; and 137,000 pole attachments and access to approximately 129,000 feet of conduit in West Virginia. See Lacouture/Ruesterholz

[53] The Second Joint Stipulation also proposed reducing the rate for a 4-wire digital loop by 2.2 percent, even though the rate for that element was based on comparable rates adopted by the PSC, not Verizon's cost study. See Given/Garzillo/Sanford Decl. ¶¶ 35-36.

MD Decl. ¶ 237; Lacouture/Ruesterholz DC Decl. ¶ 226; LacoutureRuesterholz WV Decl. ¶ 222.[54]

Verizon provides access to poles, ducts, and conduits on a timely basis. For example, Verizon is committed to completing field surveys and responding to pole and conduit requests within 45 days, and did so 100 percent of the time from August through October in Maryland and the District, and 100 percent of the time from May through October in West Virginia. See LacoutureRuesterholz MD Decl. ¶ 245; LacoutureRuesterholz DC Decl. ¶ 234; LacoutureRuesterholz WV Decl. ¶ 230. In cases where make-ready **or** construction work is needed, Verizon has completed such work for CLECs' pole attachments and conduits in all three jurisdictions more quickly than it performed such work for itself. See LacoutureRuesterholz MD Decl. ¶ 251; LacoutureRuesterholz DC Decl. ¶ 240; LacoutureRuesterholz WV Decl. ¶ 236.

D. **911, E911,** Directory Assistance, and Operator Call-Completion Services (Checklist Item **7).**

911 and **E911**. Verizon provides competing carriers in Maryland, the District, and West Virginia with nondiscriminatory access to E911 services and databases using the same checklist-compliant processes and procedures that it uses in its 271-approved states. @ LacoutureRuesterholz MD Decl. ¶ 254; LacouturelRuesterholzDC Decl. ¶ 243; Lacouture/Ruesterholz WV Decl. ¶ 239; Virginia Order ¶ 189 (finding that Verizon's provision of E911 satisfies the Act); Pennsylvania Order ¶ 120 (same); New Hampshire/Delaware Order ¶ 135 (same); New Jersey Order ¶ 164 (same); Massachusetts Order ¶ 222 (same); Rhode Island

[54] In all three jurisdictions, Verizon offers access to poles, ducts, conduits, and rights-of-way through standard licensing agreements that are referenced in Verizon's interconnection agreements. See LacoutureRuesterholz MD Decl. ¶ 238; LacoutureRuesterholz DC Decl. ¶¶ 227-228; Lacouture/Ruesterholz WV Decl. ¶ 223.

Order ¶ 97 (same); Vermont Order ¶ 59 (same); Maine Order ¶ 52 (same). Through September 2002, CLECs with their own switches have obtained approximately 382,000 E911 subscriber listings in Maryland, approximately 193,000 such listings in the District, and approximately 32,000 such listings in West Virginia. See LacoutureRuesterholz MD Decl. ¶ 268; Lacouture/Ruesterholz DC Decl. ¶ 257; Lacouture/Ruesterholz WV Decl. ¶ 253.

CLECs that have their own switches make their own entries in the E911 database using an electronic interface that gives them the same ability as Verizon to input information. See LacoutureRuesterholz MD Decl. ¶ 265; LacoutureiRuesterholz DC Decl. ¶ 254; LacoutureRuesterholz WV Decl. ¶ 250. In addition, through September 2002, Verizon has provided approximately 800 E911 trunks to 23 CLECs in Maryland, approximately 170 E911 trunks to 18 CLECs in the District, and approximately 30 E911 trunks to four CLECs in West Virginia, in order to establish connections to Verizon's E911 tandems. See LacoutureRuesterholz MD Decl. ¶ 259; Lacouture/Ruesterholz DC Decl. ¶ 248; LacoutureRuesterholz WV Decl. ¶ 244.

Verizon provides competing carriers with E911 trunks on a timely basis, within the same standard intervals as for interconnection trunks generally. See Lacouture/Ruesterholz MD Decl. ¶ 258; Lacouture/Ruesterholz DC Decl. ¶ 247; Lacouture/Ruesterholz WV Decl. ¶ 243. Moreover, for a competing carrier without its own switch, Verizon will enter all the necessary E911 data for that carrier's customers in exactly the same way that Verizon enters its own customer data. See Lacouture/Ruesterholz MD Decl. ¶¶ 262-263; Lacouture/Ruesterholz DC Decl. ¶¶ 251-252; LacoutureRuesterholz WV Decl. ¶¶ 247-248. Verizon also commingles CLECs' E911 database entries with Verizon's own entries to ensure that they are maintained with the same accuracy and reliability that Verizon maintains for its own retail customers. See